
**Agriculture & Natural Resources
Committee**

HB 1176

Brief Description: Modifying the administration and disciplining authority of the Washington state veterinary board of governors.

Sponsors: Representatives Upthegrove and Orwall.

Brief Summary of Bill

- Changes a number of elements related to the administration and disciplining authority of the Washington State Veterinary Board of Governors.

Hearing Date: 2/5/09, 2/6/09

Staff: Anna Jackson (786-7190)

Background:

The Washington State Veterinary Board of Governors

The Washington State Veterinary Board of Governors (the Board) has the authority to develop and administer a licensure examination in subjects that the Board determines are essential to the practice of veterinary medicine, surgery and dentistry [RCW 18.92.030(1)]. The Board may adopt rules establishing standards for the performance of the duties, responsibilities and continuing education of licensed veterinary personnel, as well as for prescribing requirements for veterinary medical facilities [RCW 18.92.030(2)].

The Board consists of seven members appointed by the governor: five licensed veterinarians, one licensed veterinary technician trained in both large and small animal medicine, and one member of the general public. At the time of their appointment, licensed members of the Board must be residents of the state in active practice as licensed practitioners of veterinary medicine, surgery, and dentistry, or employed as a licensed veterinary technician. Currently the terms of the

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members of the Board are for five years. Four members of the Board constitute a quorum at meetings of the Board.

The Uniform Disciplinary Act

The Uniform Disciplinary Act (UDA) governs unlicensed practice, the issuance and denial of licenses, and the discipline of licensed health and health-related professionals, including licensed veterinary personnel [RCW 18.92.046]. Among other powers, the Secretary of the Department of Health (Secretary), as the designated disciplining authority in relation to licensed veterinary personnel, has the authority to: (1) employ investigative, administrative, and clerical staff as necessary to enforce the UDA; (2) appoint pro tem members to participate as members of a panel of the Board for proceedings specifically identified in a request by the Board; (3) establish fees for witnesses, expert witnesses, and consultants used in any investigation; (4) conduct investigations and practice reviews; (5) issue subpoenas, administer oaths, and take depositions; (6) have the applicable regulatory program establish a system to recruit potential public members; and (7) adopt rules requiring every license holder to report certain information [RCW 18.130.060].

Summary of Bill:

Administration of the Board

The composition of the Board is changed from five licensed veterinarians to three, and from one member of the general public to three. The seventh member of the Board remains a licensed veterinary technician trained in both large and small animal medicine. At the time of their appointment, the licensed members of the Board may hold either an active license or retired active license as a practitioner of veterinary medicine, surgery, and dentistry, or as a licensed veterinary technician.

The term length of the members of the Board is changed from five years to three years, and the members of the general public may not have a material or financial interest in the rendering of veterinary services or have a family member who provides veterinary services. In addition, the governor may stagger the initial terms of the members of the general public as required to prevent their terms from expiring simultaneously.

In order to constitute a quorum at meetings of the Board, at least four voting members of the Board, including at least two members of the public, must be present.

The Board must maintain a written record of any closed session proceedings, and must disclose certain documents upon request that constitute public records.

Disciplining authority of the Board

The Secretary is designated as the disciplining authority in all cases of unprofessional conduct relating to licensed veterinary personnel that do not involve clinical expertise or standards of practice. The Secretary may seek the advice of the Board in these cases. The Board must conduct an initial review of each complaint to determine if the case involves issues of clinical expertise or standards of practice, and within 72 hours of receipt of a complaint from the

Secretary, the Board must identify whether the complaint should be transferred to the Secretary. If the Board determines that the case involves issues of clinical expertise or standards of practice, then it must assume responsibility for the case.

Depending on the nature of the case, either the Secretary or the Board must provide the complainant with a written explanation of any decision. Such decisions include a determination to initiate an investigation, a determination to close a complaint after investigation, a finding of unprofessional conduct following a hearing, or a finding that unprofessional conduct did not occur following a hearing. The complainant may appeal a determination to an administrative law judge within 20 days of receiving a written explanation from the Secretary or the Board. Within 20 days of receiving a decision from an administrative law judge denying an appeal, the complainant may request judicial review of the decision. Either the Secretary or the Board, as appropriate, must pursue the case against the license holder following a successful appeal.

In any disciplinary proceeding administered under the UDA in which the Secretary or the Board issues an order for a sanction other than the revocation of a license, the sanction must be based on a finding supported by a preponderance of the evidence that the veterinarian committed unprofessional conduct or is unable to practice with reasonable skill and safety due to a physical or mental condition. In any proceeding in which the Secretary or the Board issues an order to revoke a license, the sanction must be based on a finding supported by clear, cogent, and convincing evidence.

Not all of the Secretary's usual powers under the UDA apply to licensed veterinary personnel. The Secretary retains the authority to: (1) employ investigative, administrative, and clerical staff as necessary to enforce the UDA; (2) appoint pro tem members to participate as members of a panel of the Board for proceedings specifically identified in a request by the Board; (3) establish fees for witnesses, expert witnesses, and consultants used in any investigation; (4) conduct investigations and practice reviews; (5) issue subpoenas, administer oaths, and take depositions; (6) have the applicable regulatory program establish a system to recruit potential public members; and (7) adopt rules requiring every license holder to report certain information.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.